



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23.02.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.3674 of 2022

WEB COPY

1.Jeyaraj
2.Poomayil
3.Devi @ Sakunthaladevi
4.Saro @ Sarojinidevi
5.Thavapputhalvan @ Kannan ... Petitioners/Accused Nos.1 to 5

Vs

State represented through
The Inspector of Police,
Palamedu Police Station,
Madurai District.
(Crime No.33 of 2022) ...Respondent/Complainant

For Petitioner : M/s.M.Maran
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.33 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 147, 447, 294(b), 323, 506(i) of IPC and Section 4 of TNPHW Act in Crime No.33 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there existed a family dispute between the parties and the accused persons have entered into the defacto complainant's house and criminally intimidated his wife, abused her with filthy language and threatened her. Hence the complaint.

3.The learned counsel for the petitioners submitted that the the petitioners are innocent and they have not committed any offence. They have been falsely implicated in this case.



4.The learned Additional Public Prosecutor submitted that injured in this case has been discharged from the hospital.

5.Considering the fact that injured has been discharged from the hospital and also the facts that except Section 506(i) and Section 4 of TNPHW Act, all other offences are bailable in nature and that a case in counter is pending against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti, Madurai District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners Nos.1 and 5 shall report before the respondent police daily at 10.30 a.m., until further orders; and the petitioners Nos.2,3 and 4 shall appear before the respondent police as and when required for interrogation.

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi)If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/02/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
VADIPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAMEDU POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3674 of 2022
Date :23/02/2022

USK/SBN/SAR-III/02.03.2022/3P/5C